

### REMARKS

Claims 1-44 are pending. By this Amendment Figs. 4A, 4B and 5-7 are amended; the specification is amended; claims 1, 3, 5, 7-13, 15, 16, 18-25, 27-42 and 44 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Figs. 4A, 4B and 5-7 have been amended for consistency with the amendments made to the specification by changing “global” and “local” with - -main- - and - -local- -, respectively.

Claims 1-44 were rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

The Office Action on page 2 states: “Based on applicant’s specification, one of ordinary skill in the art would not be able to make and use the invention because the method of identifying, classifying, indexing, storing and retrieving food items on a global basis is not clearly explained.” (Emphasis added.)

Firstly, it is respectfully noted Applicants have not disclosed and/or claimed a method of identifying, classifying, indexing, storing and retrieving food items, as alleged in the Office Action. Claim 15, for example, recites a food managing method including, *inter alia*, storing, on a main food data base, information about food to be managed together with a food identification code for every food. As another example, claim 20 recites a food managing method including, *inter alia*, storing, on a user food data base managing food for every user, information about food to be managed. As an even further example, claim 41 recites a food management and process method including, *inter alia*, storing on a main food data base information about food to be managed together with a food identification code for every food, the information about food including information about management of the food and information about processing of the food.

It is respectfully submitted that the Examiner has mischaracterized Applicants’ invention. Applicants have not disclosed and are not claiming a method of identifying, classifying, indexing, storing, and retrieving food items on a global basis, as alleged in the Office Action. It is respectfully submitted, however, that the claimed invention is fully enabled by the specification as originally filed. For example, claim 1 recites a food management and processing system. The system comprises a main data server having a main food data base storing information about food to be managed together with a food

identification code for every food. This main data server is clearly disclosed, for example, in Figure 1 by reference numeral 2 and clearly disclosed and described, for example, on page 6, line 23-page 7, line 5. It is respectfully submitted that the concept of a server which stores information about particular items, including food, together with respective identification codes for every item would be understood by one of ordinary skill in the art.

Page 3 of the Office Action states that claim 1 is not enabled “because the method of making a food identification code for every food item on a global basis is not clearly explained. Furthermore, the information included in the food identification code is not clearly explained in the specification. Is expiration date included in the identification code? In particular, how is the identification code made available to each and every user on a global basis?” It is respectfully submitted that the Office Action is incorrect. It is also respectfully submitted that the concerns expressed on page 3, lines 1-7, of the Office Action are irrelevant to the question of enablement. Applicants’ invention is not a method of making a food identification code, nor is Applicants invention how the identification code is made available to each and every user. Applicants have clearly disclosed that a radio tag or bar-code or other management code may be used to store the food identification code. See, for example, page 11, lines 1-7. In addition, Figures 4A and 4B of the application clearly disclose the data format of the food information, which identification code may include the data of the food name, cooking data, materials, composition, calories, pull (expiration) date, etc., as disclosed, for example, on page 11, line 24 through page 12, lines 1-8.

The Office Action on page 3, lines 9-13 states: “Based on applicant’s specification, one of ordinary skill in the art would not be able to make and use the invention because the process of affixing an identification code to the food is not clearly explained. In particular, during which stage of delivery of food from the farmer to the end-user is the identification code attached to the food item. It may be that multiple codes are applied to the same food item as it passes down through the supply chain.”

Applicants again respectfully submit that the Examiner’s concerns are misplaced. Applicants’ invention is not a process for affixing identification codes to food items, nor is Applicants’ invention limited to the process, stage, and/or number of codes affixed to the food item. Such details are not relevant. However, as discussed above, Applicants have clearly disclosed the use of radio tags, bar-codes and other management codes, all of which are well known to these of ordinary skill in the art. See, for example, page 10, line 24 through page 11, line 8.

As also discussed above, Applicants have clearly disclosed that the identification code may be embodied in the radio tag, a bar-code or other similar management code. It is respectfully submitted that one of ordinary skill in the art would know how to affix or attach such tags or codes to the packaging of food items or to the food items themselves currently in existence and need not be explained by Applicants. As stated in MPEP §2164.01: “A patent need not teach, and preferably omits, what is well known in the art.” Additionally, Applicants have disclosed, for example, on page 18, lines 15-19, how to use food identification codes on types of foods to which the codes cannot be affixed.

Although Applicants believe that the invention as disclosed and claimed is enabled and clear from the specification and claims as originally filed, in order to address the concerns of the Examiner the term “global” and the term “local” have been replaced by - - main- - and - -user- -, respectively. It is respectfully submitted that it is clear that the food data bases are not based on the meanings of the terms “global” and “local.” However, the use of the term “main food data base,” the term is clearly explained, for example, on page 10, line 24 through page 11, line 13.

With respect to the process by which the food storage apparatus accesses the main data server and the user data server, the Examiner’s attention is directed to, for example, page 14, line 23 through page 15, line 16. For example, the operation on a refrigerator serving as a food storage is clearly described on page 14, line 8 through page 15, line 4. It is respectfully submitted, however, that Applicants’ detailed description of the use of a refrigerator is not limiting of the disclosed and claimed processes.

With respect to the process by which the food processor accesses the user data server and the main data server, the Examiner’s attention is directed to, for example, page 16, line 28 through page 18, line 7. For example, the operation of a refrigerator serving as food storage is clearly described on page 17, lines 12-19. However as discussed above, it is respectfully submitted that Applicants’ description of a refrigerator as a food storage is not limiting of the disclosed and claimed processes and apparatus.

MPEP §2164.01(a) sets forth the factors to be considered when determining whether there is sufficient evidence to support a determination that a disclosure does not satisfy the enablement requirement and whether any necessary experimentation is “undue.” MPEP §2164.01(a) further states: “The examiner’s analysis must consider all evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole.” It is respectfully submitted that the claimed invention is fully enabled by the

disclosure as originally filed. In addition, it is respectfully submitted that the Office Action has failed to consider each of the at least eight factors set forth in MPEP §2164.01(a) for the determination of nonenablement of the claimed invention. It is further respectfully submitted that the Examiner has failed to meet the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention as required by MPEP §2164.04. Accordingly, reconsideration and withdrawal of the rejection of claims 1-44 under 35 U.S.C. §112, first paragraph are respectfully requested.

Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

The Office Action on page 4 alleges that the user data server appears to perform the same function as the main data server. It is respectfully submitted that the Office Action is incorrect. Claim 1 clearly recites that the main data server has a main food data base storing information about food to be managed together with a food identification code for every food. The main data server is adapted to be externally connected via a public communication network.

Claim 1 also recites a user data server having a user food data base storing the information about the food to be managed for every user. The user data server is adapted to access the main data server via the public communication network.

It is respectfully submitted that it is clear from claim 1 that the main data server and the user data server are clearly distinct elements in the claimed invention. The Office Action's conclusion that the user data server and the main data server perform the same function is incorrect as the main data server stores information about food to be managed together with a food identification code for every food and the user data server stores information about the food to be managed for every user. These are clearly different functions as recited in claim 1.

Reconsideration and withdrawal of the rejection of claims 1-11 under 35 U.S.C. §112, second paragraph are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

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